IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 11799 of 1995

Between:

M/s.Raja Rajeswari Modern Rice Mill, rep. by its Prop. D.Leeladevi, Mulugu, Warangal District.

..... PETITIONER

AND

1. The A.P.State Electricity Board, rep. by its Secretary, Vidyut Soudha, Somajiguda, Hyderabad.

2. The Superintending Engineer, Assessment (Special), 4th Floor, New Buildings, Vidyut Soudha, Somajiguda, Hyderabad.

3. The Assistant Engineer, Operation, A.P.S.E.B., Mulugu, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the second respondent in not permitting the petitioner to cross-examine the inspecting officers and his squad members who inspected the petitioner's premises on 15.02.1993 and other officers of the Board in connection with sealing of the meter equipment as witness in the enquiry proceedings pending before him pursuant to the show cause notice in SE/A/SPL/HYD/WGL-II/A.No.2062/93, dated 16.12.1993 of the second respondent as highly illegal, arbitrary, unjust and opposed to principles of natural justice.

Counsel for the Petitioner: MR.DUBA VN BABU

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard both sides.

The petitioner, which is a rice mill, files this writ petition, *inter alia*, seeking a writ of Mandamus declaring the action of the second respondent in not permitting the petitioner to cross-examine the Inspecting Officers and Squad Members who inspected its premises on 15.02.1993, as bad and illegal and consequently challenging the entire action in pursuance of show-cause notice dated 16.12.1993.

In pursuance of an inspection made on 15.02.1993, certain proceedings have been initiated by issuing a show-cause notice dated 16.12.1993, to which, the petitioner has filed explanation on 19.09.1994 along with a request to cross-examine the said Officers. The case of the petitioner is that the said request has been negatived orally. Placing reliance on the judgment in W.P.No.17337 of 1992, dated 30.12.1992, the learned counsel for the petitioner submits that such an action is wholly unsustainable and further any such denial would vitiate the substantive rights of the petitioner.

Having heard on either side and on perusal of the material, the only question which falls for consideration is as to whether such denial is illegal.

There is no dispute to the fact that the petitioner along with a detailed explanation made a request to cross-examine the said Officers. This Court in a similar situation, held that such denial is bad. Further, the

said judgment was also upheld by a Division Bench of this Court. In view of the same, it has to be held that the petitioner's request requires to be accepted.

The writ petition is accordingly allowed. The respondents shall proceed with the enquiry by permitting the petitioner to cross-examine the Officers who conducted inspection on its premises and pass appropriate orders in accordance with law after giving sufficient opportunity to the petitioner. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs.

02.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Second Day of November, Two Thousand and Four.

To

1. The Secretary, A.P.State Electricity Board, Vidyut Soudha, Somajiguda, Hyderabad.
2. The Superintending Engineer, Assessment (Special), 4th Floor, New Buildings, Vidyut Soudha, Somajiguda, Hyderabad.
3. The Assistant Engineer, Operation, A.P.S.E.B., Mulugu, Warangal District.
4. 2CD copies.